

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AQUARIAN FOUNDATION,

Plaintiff,

v.

BRUCE KIMBERLY LOWNDES,

Defendant.

Case No. C19-1879RSM

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL AS MOOT

This matter comes before the Court on Plaintiff Aquarian Foundation ("Aquarian")'s Motion to Compel, Dkt. #185. This Motion was filed on August 6, 2021. Discovery closed on September 27, 2021. Dkt. #43. Aquarian subsequently moved for summary judgment, which was granted in part by this Court. Dkt. #214. A bench trial is set to begin on April 25, 2022.

Aquarian moves "to obtain critical information about the nature and extent of Defendant Bruce Lowndes ('Lowndes')'s dissemination of the Church's copyrighted and proprietary works." Dkt. #185 at 1. Aquarian states:

The threshold disagreement between the parties is whether the Church's discovery requests are premature under Fed. R. Civ. P. 26(d), as Lowndes has objected to all written discovery on that basis. Lowndes seeks to stretch this case out further by forcing the parties to push back the deadline to respond to the Church's written discovery requests thirty (30) days from a conference held on July 21, 2021, a conference that Lowndes contends constituted the parties Rule 26(f) conference.

1 *Id.* at 2.

2 “Parties may obtain discovery regarding any nonprivileged matter that is relevant to any
3 party’s claim or defense and proportional to the needs of the case, considering the importance of
4 the issues at stake in the action, the amount in controversy, the parties’ relative access to
5 relevant information, the parties’ resources, the importance of the discovery in resolving the
6 issues, and whether the burden or expense of the proposed discovery outweighs its likely
7 benefit.” Fed. R. Civ. P. 26(b)(1). If requested discovery is not answered, the requesting party
8 may move for an order compelling such discovery. Fed. R. Civ. P. 37(a)(1). Evasive or
9 incomplete answers or responses to discovery are treated as a failure to answer or respond. Fed.
10 R. Civ. P. 37(a)(4). The party that resists discovery has the burden to show why the discovery
11 request should be denied. *Blankenship v. Hearst Corp.*, 519 F.2d 418, 429 (9th Cir. 1975).
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14 Given the passage of time and Aquarian’s apparent ability to successfully file a
15 dispositive motion, it is unclear to the Court if a material discovery dispute still exists in this
16 case. The Court finds that any remaining discovery disputes and potential discovery sanctions
17 can be dealt with in pretrial motions or at trial.
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19 Having considered the briefing from the parties and the remainder of the record, the
20 Court hereby finds and ORDERS that Plaintiff Aquarian’s Motion to Compel, Dkt. #185, is
21 DENIED AS MOOT.

22 DATED this 22nd day of March, 2022.
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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE